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<b>Fax Number</b>	<b>1.</b>	<b>1-703-872-9306</b>
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<b>Fax Number:</b>	<b>1.</b>	<b>650.812.3444</b>
<b>Date:</b>	<b>February 17, 2005</b>	
<b>Total pages:</b>	<b>7 (including cover sheet)</b>	
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IN RE: 10/008,152

ENCLOSED:

- (1) PRESENT FAX COVER (1 pg)
- (2) TRANSMITTAL FORM (1 pg)
- (3) INVITATION FOR DETERMINATION (2 pgs)
- (4) BOPAI ORDER of JAN. 13, 2005 (3 pgs)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

6

Application Number 10/009,162

Filing Date December 4, 2001

First Named Inventor Nelson

Art Unit 2121

Examiner Name Davis

Attorney Docket Number PA2325US


**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	(1) Invitation for Determination;
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	(2) BOPAI Order Dated Jan. 23, 2005
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

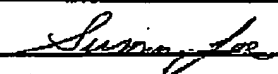
Total page number does NOT include fax cover sheet.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Carr & Ferrell LLP		
Signature			
Printed name	Susan Yee		
Date	February 17, 2005	Reg. No.	41,388

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Susan Yee	Date	February 17, 2005

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Yoram Nelken  
APPL. NO.: 10/008,152  
FILING DATE: December 4, 2001  
TITLE: System and Method for Automatic Task Prioritization  
EXAMINER: George B. Davis  
ART UNIT: 2121  
ATTY.DKT.NO.: PA2325US

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## CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being faxed to the United States Postal Service at the Central Facsimile Number—1-703-872-9306—on February 17, 2005.

By: 

Susan Yee

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## INVITATION FOR DETERMINATION

SIR:

The present application is a continuation application claiming priority from U.S. patent application number 09/602,588 and now U.S. patent number 6,408,277. U.S. patent number 6,408,277 is presently the subject of Interference number 105,248.

In accordance with the Administrative Patent Judge's Order of January 13, 2005 and as it pertains to Interference number 105,248, "upon receiving indication of allowable subject matter in the application, [the Applicant shall] invite the examiner to determine whether any

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allowed claim corresponds to the count in th[e] interference and whether issuance of the patent in th[e] interference application should be suspended pending the outcome of the interference."

The Examiner indicated in the office action mailed January 7, 2005 that "[c]laim 67 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph." The Examiner further indicated that "[c]laims 63 and 64 are allowed."

As the Examiner indicated the presence of allowable subject matter, the Examiner is hereby invited to determine whether any of these allowed claims (63, 64 and presently objected to claim 67) correspond to the count in Interference number 105,248 and, further, whether issuance of the application should be suspended pending the outcome of the interference.

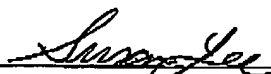
Applicant believes items 1 and 2 of the January 13 Order have been complied with in that the Examiner was informed of the count by Applicant's January 18, 2005 Information Disclosure Statement and, further, that the Applicant is presently unaware of any change in the count.

A copy of the January 13 Order is enclosed.

Respectfully submitted,  
Yoram Nelken

February 17, 2005

By:

  
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Filed by: Judge Jameson Lee  
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Paper No. 33

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

YORAM NELKEN  
Junior Party  
(Patent 6,408,277),

v.

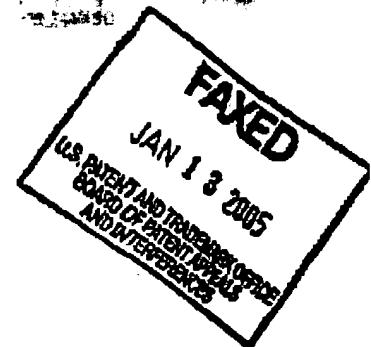
ERIC HORVITZ  
Senior Party  
(Application 09/364,527).

Patent Interference No. 105,248

Before LEE, Administrative Patent Judge.

Summary of Telephone Conference  
and Related Order

On January 12, 2005, a telephone conference was held between the administrative patent judge and respective counsel for the parties to discuss the items contained in each party's intended motions list. Requests for filing priority motions were acknowledged but counsel for the parties were told that they will not be considered until an appropriate time in due course since determination of priority has been deferred. The filing of a motion for judgment based on prior art, identified as Item 1 on party Nelkin's list, was authorized and counsel for Nelkin was instructed to limit the attack on each Horvitz claim to one ground under 35 U.S.C. § 102 and one ground under 35 U.S.C. § 103. Nelkin must pick the best prior art to assert against Horvitz and not file a multiplicity of alternative assertions.



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Interference No. 105,248  
Nelken v. Horvitz

As for all the items on party Horvitz's list, which should have been numerically numbered, to facilitate identification, counsel for Horvitz agreed to withdraw each request if the administrative patent judge would order that party Nelkin would keep the examiner in each identified application up-to-date as to the count in this interference and would invite the examiner to determine, prior to issuance of those applications, whether those cases contain claims drawn to the same patentable invention as the count in this interference and if so to suspend prosecution pending the outcome of this interference. Counsel for both parties indicated that the administrative patent judge had issued a similar order in at least one other interference and that both parties would be satisfied if the same could be done in this case to obviate the motions identified on party Horvitz's list. The administrative patent judge found the proposal acceptable. Therefore, all items identified on party Horvitz's motions list are considered withdrawn insofar as filing of motions by Horvitz are concerned, and it is

**ORDERED** that in each of the applications identified on Horvitz's list of motions served on January 10, 2005 (Paper No. 32), party Nelkin shall:

1. Inform the examiner of the current count in this interference;
2. Keep the examiner continuously updated as to any change to the count, as well as any additional or substituted counts in this interference;
3. Immediately upon receiving indication of allowable subject matter in the application, invite the examiner to determine whether any allowed claim corresponds to the count in this interference and whether issuance of the application should be suspended pending the outcome of this interference;
4. When communicating with the examiner with regard to items 1-3 above, enclose a copy of this communication.

January 13, 2005

Interference No. 105,248  
Nelken v. Horvitz

By Facsimile:

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